

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA
PLAINTIFF

v.

BERNETTA WILLIS,
DEFENDANT

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CR. NO. 2:06-CR-0071-MEF

MOTION FOR COMPETENCY HEARING
AND
MOTION FOR INPATIENT PSYCHIATRIC EVALUATION

Comes now Defendant, Bernetta Lashay Willlis, by and through counsel, and pursuant to 18 U.S.C. 4241(a)(b) and 18 U.S.C. 4247(b) moves the Court for an inpatient psychological and/or psychiatric evaluation to be conducted upon Ms. Willis and in support thereof states as follows:

1. Defendant has been convicted on possession with intent to distribute marijuana, threatening a witness, two counts of use of a weapon in commission of a felony, and multiple counts of FEMA fraud.

2. Defendant is presently in the custody of the United States Marshall's Service incarcerated at the Autauga Metro Jail in Prattville, Alabama awaiting sentencing presently set for August 16, 2007.

3. Counsel for Defendant has been advised by Defendant that she has been receiving SSI from the Social Security Administration for a mental condition. On such information and belief, Counsel contacted Mr. Roy Bradford, Operations Supervisor for the Atlanta Region of

the Social Security Administration, who corroborated Defendant's assertion. Unfortunately, all of the actual medical records upon which Defendant's application for benefits were based have been lost. A copy of a letter from Mr. Bradford addressing this matter is attached hereto as Exhibit A.

4. During the course of counsel's present representation of Defendant for post conviction motions, it has been observed that Ms. Willis is in a state of constant confusion. She readily accepts counsel at one moment and then within hours communicates a lack of understanding frequently not acknowledging prior discussions with counsel.

5. Counsel is concerned that defendant may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense.

6. Furthermore, Defendant reports that she is not receiving proper medications for numerous maladies including high blood pressure, diabetes, and depression. Counsel is concerned that defendant's not receiving her properly prescribed medication may further contribute to her inconsistency with respect to her assisting in her defense.

7. 18 U.S.C. § 4241(a) makes provision for the Defendant to file a motion for a hearing to determine the mental competency of the defendant "at any time after the commencement of a prosecution for an offense and prior to the sentencing." This section further provides that such motion shall be granted "if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering [her] mentally incompetent to the extent that [she] is unable to understand the nature and consequences of the proceedings against [her] or to assist properly in [her] defense."

8. 18 U.S.C. § 4241(b) provides that "prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c) [18 USCS § 4247(b) and (c)]."

9. Defendant's prior history of mental disease or defect coupled with her recent medical problems and the inconsistency of her cognizance in relation to her communications with Counsel provides the reasonable basis for Defendant's motion for a competency hearing and for her motion for an inpatient psychiatric evaluation.

Respectfully submitted this day, June 21, 2007

/s/Timothy C. Halstrom
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Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the parties and their attorneys.

/s/Timothy C. Halstrom

Timothy C. Halstrom
Bar Number HAL021